UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
vs.)
)
) No.
CASANDRA LITTLES,) 1:11-cr-10183-DPW-1
)
Defendant.)
)

BEFORE: THE HONORABLE DOUGLAS P. WOODLOCK

SENTENCING

John Joseph Moakley United States Courthouse
Courtroom No. 1
One Courthouse Way
Boston, MA 02210
January 11, 2012
4:10 p.m.

Brenda K. Hancock, RMR, CRR
Official Court Reporter
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APPEARANCES:

UNITED STATES ATTORNEY'S OFFICE
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On behalf of the United States.

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On behalf of the Defendant.

ALSO PRESENT:

UNITED STATES PROBATION: USPO Susan Walls

(The following proceedings were held in open court before the Honorable Douglas P. Woodlock, United States District Judge, United States District Court, District of Massachusetts, at the John J. Moakley United States Courthouse, One Courthouse Way, Courtroom 1, Boston, Massachusetts, on January 11, 2012):

THE CLERK: All rise.

(The Honorable Court entered the courtroom at 4:10 p.m.)

THE CLERK: This Honorable Court is now in session. You may be seated.

This is Criminal Action 11-10183, the United States versus Casandra Littles.

THE COURT: Well, I have received a notice of filing on January 5th, I believe, from the defendant containing a transcript, a program overview and letter from Bishop Moultrie and a letter from Enhanced Recovery, and I also have received a notice of filing as of I guess yesterday of a psychiatric evaluation.

MR. CUNHA: With respect to that, Judge, the reason it got filed, despite the fact that there are sensitive matters in it, is that I was out of the office all day at a deposition. I called the office and asked that it be sent to Ms. Holik and Probation because I wanted to give the most notice that I could, because the report just came in yesterday and it was inadvertently actually filed. There are obviously very sensitive matters in there.

THE COURT: Well, we will have it sealed.

MR. CUNHA: That's what I was going to ask.

THE COURT: Yes.

MR. CUNHA: To my right and your left is Jaime Zambrana. He is working in my office now. He comes to us. from -- he is actually admitted in both Virginia and Florida but not yet in Massachusetts. So, he is an experienced lawyer, he worked on this case and he wanted to be here.

THE COURT: Sure, that is fine.

MR. ZAMBRANA: Thank you, your Honor.

MR. CUNHA: So, he's actually waiting for the Board of Bar Examiners letter that waives him in and he is hopefully -- we are waiting hopefully this week.

THE COURT: That is the first hurdle. You have also got to become a member of the Bar of this Court as well.

MR. ZAMBRANA: Correct.

MR. CUNHA: He is aware of that, too.

He has just informed me that another document, which I have in front of me, this has to do with -- it's from the Social Security Administration, and it's a determination of her disability for the issues that are the subject of the letter from Dr. Hardman. This has not been filed with the Court. I have it open to the Findings of Fact and Conclusions of Law which talks about the mental illness. If you want to see it --

THE COURT: I do, but has Ms. Holik seen it yet?

MR. CUNHA: Yeah. Just briefly, very briefly.

THE COURT: Well, she is a speed reader. I am slow. So, let me look at it.

(Document provided to the Court by Atty. Cunha)

MR. CUNHA: I think it's dated 2008, your Honor. Yes, December 16th, 2008. So, three years ago.

If you want, your Honor, we would make a copy and file it after the hearing under seal.

THE COURT: I think it should be part of the record here.

(Pause)

THE COURT: Was this appealed?

MR. CUNHA: She was granted disability, so as far as -- was it appealed by the Government? Not as far as I know, your Honor.

THE COURT: Because there was a dispute between the federal reviewing official and the administrative --

MR. CUNHA: She is presently on disability for the reasons articulated in that report.

THE COURT: How does that impact the question of her program, nursing program?

MR. CUNHA: I mean, I think that there is a couple of -- I don't think it precludes her.

THE COURT: I will pass it back.

(Document returned to Atty. Cunha)

MR. CUNHA: And we will copy it and send it in to be filed under seal, your Honor.

I don't think it precludes her. Can I, with any definitive assurance, say that it would not preclude her? I cannot, your Honor.

THE COURT: Well, if she functions as a nurse or in some medical capacity she will no longer be disabled.

MR. CUNHA: Well, no. And that's the second way I think that it impacts upon her, and that is that, despite this -- I mean, as we know, there are a lot of people who, upon being found disabled, they figure, Okay, I'm set for life, and they sit back on their heels. She has made a concerted effort to get off of disability, to do something with her life. So, now time will tell as to whether or not she is going to succeed at that. But she's trying.

THE COURT: Are there any other written materials I should have?

(No response)

THE COURT: Now, let me just turn to the Presentence Report, which, Mr. Cunha, I understand that you have discussed fully with your client here; is that correct?

MR. CUNHA: Judge, as far as one of the objections is concerned, and I think it may have been --

THE COURT: Let me get the answer to my question first, which is, have you and your client fully reviewed the Presentence Report?

MR. CUNHA: We have, your Honor.

THE COURT: So, now let us turn to the objections that are outstanding, anyway.

MR. CUNHA: Yes. As far as Objection No. 1 is concerned, your Honor, I think there were two questions, one of which was the nature of the debt, which we maintain is accurate, as we maintain that our objection is accurate that it was a debt that was generated by fees rather than activity; and then there was a question of whether or not the offending letter was sent, and it was I think Ms. Littles' initial memory that she had not. We're assured by the Government that she did. We accept that representation.

THE COURT: So, as far as paragraph 18 goes, I am more fully informed on the nature of the financial relationship, but it remains here that it was predicated upon a fabricated letter.

Now, turning to No. 2, the view is that there has been a settlement of some sort with Sterling Jewelers.

MR. CUNHA: And with respect to that, Judge, I think we have provided you a letter with it. There was a negotiation with them, and I believe it was even -- even though it's dated afterwards, I believe that the negotiation was before these events, so that really relates to the amount of any restitution that's ordered rather than to a payment having been made. She didn't have the money to make the payment, but the amount has been compromised by -- and that's, of course, up to your discretion, but they were not looking for the 600 whatever it is; they were looking for 423 whatever that --

THE COURT: 69?

MR. CUNHA: Yes, your Honor.

THE COURT: Let me just understand, Ms. Walls, how that really works. Let us assume that one of these victims has a composition of the debt here. Do I really include it as restitution there? Why shouldn't I defer to their --

PROBATION OFFICER WALLS: Your Honor, my understanding is, number one, she has not paid the settlement, so there has been no verification that she has paid the $423.

MR. CUNHA: She has not.

PROBATION OFFICER WALLS: No, she has not paid it.

So, therefore, restitution would still be appropriate. She would make the payment to the Court, and the Court would forward it to the agency.

THE COURT: So, rather than turning to paragraph number 50, it should be 439.69 rather than 651?

PROBATION OFFICER WALLS: No. Your Honor, our position is that it should be the full amount because of the case law in this Circuit and elsewhere that says that a victim's settlement of a claim isn't binding on the Court.

THE COURT: I guess I would understand it if it were someone less capable than Sterling Jewelers of protecting its rights, but why would I do that with Sterling Jewelers in light of their use of a debt-collection agency -- or Kay Jewelers, I guess it is, but Sterling is the principal. Why wouldn't I do it with them? I have the authority to do it, is the short of it, right?

MS. HOLIK: I believe you have the authority to do it.

THE COURT: Right. Why wouldn't I? They are capable of making their own judgments about how strong their claim is, whether there are counterclaims, all of that sort of thing.

MS. HOLIK: I perhaps would take a different view, your Honor, if Ms. Littles had paid that settled amount, but since she has not the Government is of the view that the full amount should be ordered as restitution.

In the alternative, if your Honor is inclined to honor the settlement agreement, then that amount should be ordered as restitution, because it hasn't been paid.

THE COURT: That is what I was going to say. I think my view is that I will defer to the settlement amount. I am not going to make it more than the settlement amount. They reached an agreement. If there is a contractual problem, they will dispute it.

But, in any event, I am going to change the first of the restitution amounts in paragraph 150 to $423.69 in light of this settlement.

Now, let me go to No. 3. Probation has the certified copies of the court documentation. Is there anything further to dispute that?

MR. CUNHA: I'm sorry, your Honor?

THE COURT: Objection No 3, she objected saying that she was never arrested nor appeared in West Roxbury District Court.

MR. CUNHA: You know, Judge, I think that could be a memory issue as well. She was upset about it because she didn't remember it. Can I point to anything more than that? No.

THE COURT: So, I overrule that objection.

Then we turn to the Objection No. 4, which has to do with the minivan and the police reports. I'm not sure that they are material to my determination in this case, and so, as a consequence, I am going to skip over that.

Paragraph No. 5 is the loss to Union Bank. That is a carryover from an earlier Presentence Report. The distinction between $89,000 and $98,000 is not going to be material to me in this setting here, but I see no reason to change the Presentence Report, unless there is some dispute with respect to this.

Objection No. 6, which has to do with attendance at her mental health --

MR. CUNHA: Yes.

THE COURT: -- that is something of some -- maybe not the particulars, but that is something of some considerable interest to me in terms of sentencing. Dr. Hardman's suggestion is that jail has not worked in the past; on the other hand, neither has mental health or her willingness to comply with it.

MR. CUNHA: Well, that's where we're not sure we agree, Judge, and I don't have the records in front of me, and that's a failure on my part. But this is a difficult situation, and part of it is that I think part of her issue is denial.

THE COURT: Well, I can understand that in the larger gestalt of her psychological issues.

MR. CUNHA: Yes.

THE COURT: On the other hand, denial without something more is not going to be successful for me. Let me just say how I would tend to think of it. I am looking at someone who does not attend to her mental-health needs when directed to do so. Now, that may be circular; that is to say, because of mental-health needs she does not attend to her mental-health needs. But that having been said, I am still --

MR. CUNHA: No, I understand. You have got to figure out what's going to be an appropriate thing for the Court do and what's right for the society. I understand that, but I would suggest, Judge, that even granting, if it were to be true, that there was some initial failure to attend meetings, thereafter she did for a long period of time, and the records reflect that, that she cooperated and that she went to treatment.

I, frankly, think that in this context her recent efforts at schooling are very important, because I do think that there has been a clear effort on her behalf to try to deal with her problems.

THE COURT: Well, I guess the short of it is, I do not have a basis for overruling the determination of the Probation Office here and the language, although I use it to try to get a more textured -- the back-and-forth on the objection and the Probation Officer's response to get a more textured understanding of the issues.

With respect to Objection No. 7, this may be denial, but there is not any question that she was arrested for a violation of pretrial release, is there?

MR. CUNHA: No, there is not.

THE COURT: So, I overrule that objection.

The question of Objection No. 8, which is the so-called forgeries and uncharged conduct, I do not think it is disputed, because she stipulated to this before Judge Tauro, is it?

MR. CUNHA: No, your Honor.

THE COURT: And similarly with Objection No. 9, the court records that Probation has indicate that she was charged in Roxbury District Court for that matter, and in the absence of something more I am going to overrule that objection.

With respect to Objection No. 10, the suggestion that she did not fail to cooperate, again this is new or inconsistent with prior statements. Unless there is more involved, I am of the view that I am going to overrule that objection.

With respect to Objection No. 11, which has to do with the fraudulent transfers to the M&I Bank in Milwaukee and the discoveries made by the Probation Office, unless there is something more here to be added, I am going to overrule that objection.

So, what that means, then, unless there is something further that the parties want to take up for purposes of the Presentence Report, is, we have got a Criminal History Category of IV and we have a Total Offense Level of 5. I clarified the restitution amounts as $423.69 to Sterling Jewelers, $111.81 to MetaBank and $641.64 to First Premier Bank.

The *Guidelines*, at least as I understand them, are 4 to 10 months in prison, 2 to 3 years of supervised release. She was never truly in custody, I guess. Probation is available. The *Guideline* fine range would be $250 to $5,000. The restitution is the aggregate of the three that I just gave you, three numbers that I just gave you, and there is a Special Assessment that is mandatory of $100.

Are we dealing with the same set of numbers here?

MS. HOLIK: Yes, your Honor.

THE COURT: So, Ms. Holik, I will hear from you as to the Government's recommendation.

MS. HOLIK: Well, I hardly need to say, your Honor, that the reason that we are here is not driven by the extraordinary low loss value in this case, and for a case of this size it might surprise the Court, or perhaps not, to know how all of these parties have struggled to put these pieces together for a reasonable sentencing recommendation to the Court. It is a very difficult case.

From the Government's perspective, the driving factor here is the manner in which Ms. Littles committed this last offense conduct. She is no stranger to fraud, she is no stranger to federal prosecutions, she has been in jail. Yet, for all of that, she chose to commit this forgery of the signature of her Probation Officer, and I can't really think of a worse decision unless, perhaps, she had forged your Honor's signature, or Judge Young's signature or Judge Tauro's signature, because, of course, Probation is an arm of the Court.

And by choosing to try to avoid this debt in this manner, she has, in effect, attacked this judicial process that has tried over and over and over again, in fact, to assist her. But she seems to be not only in denial, a word that has come up several times as we have gone through the objections and the *Guidelines* calculation, but she seems to be bent on not receiving that help from this criminal justice system.

Mr. Cunha and I differ on this, but the Government believes that a prison term, notwithstanding the psychiatric evaluator's conclusions and perhaps other reasoned assessments of this chronology, the Government believes that a period of imprisonment is necessary here, given the seriousness of this offense.

A read of the PSR, a read of the objections to the PSR and a read of Dr. Hardman's report and the things that Ms. Littles reported to him show that denial and, in a sense, a sort of belittlement of the factors that bring her here today. Indeed, at one paragraph of the PSR, paragraph 82, a statement that is attributed to Ms. Littles' husband but, nonetheless, the remark is that it is foolish that Ms. Littles is being prosecuted for so small a thing. The Government does not view this as so small a thing, we view it as a serious offense; the driving factor is that forgery of her Probation Officer's signature on Probation Department letterhead.

If a prison sentence is not imposed here, it seems that we are feeding into almost an agreement that, yeah, this is not that big a deal and there are other ways to punish

Ms. Littles. I think that also for reasons of general deterrence a message needs to be sent that others who would think of doing the same thing ought to think differently.

That being said, there are, of course, many reasonable jail sentences that the Court could impose. The *Guidelines* tell us that 4 to 10 months is the right range. I don't think that that adequately takes into account this conduct, this history, and I say that notwithstanding the medical issues

Therefore, the Government's recommendation is somewhat higher than the *Guidelines* range, the advisory range, and the Government's recommendation is a year and a day.

I think of that as sort of the backward-looking punishment piece, but the forward-looking part is almost as difficult: what to do with someone like Ms. Littles in terms of supervised release?

I think that an argument could be made, it is not the argument I am going to make, but I think it could be made that we can't help Ms. Littles. She has been on supervision several times. Two of those times ended in revocations. She has had services.

One of the things that my work with Magistrate Judge Sorokin in the C.A.R.E. session has taught me is that we can only help people who will accept it, and if you will not accept that help then we are wasting these resources.

Having laid all of that out, that is not actually my recommendation. I just think that one could see it that way.

But, in fact, having read Dr. Hardman's report and having the flash of the other document in front of me, my recommendation, the Government's recommendation is that the Court does impose a period of supervised release and that it should be probably the 3 years that's available to the Court with an evaluation to happen promptly after Ms. Littles is released, if she is imprisoned, an evaluation by the Probation Department to determine what type of counseling, what type of mental-health counseling, what type of programs, whether it's MRT or something else that Probation can recommend, what type of program Ms. Littles should be required to attend.

I read the record a little bit differently than Mr. Cunha, he probably knows it better than I do, but I think that Ms. Littles needs to have someone requiring her to do these things, because I think that when she is left to her own devices she does not see these programs through. My guess is that she doesn't really think she needs them, but she does.

With respect to her nursing program, I don't know this to a certainty, but I think that people who have the number of federal convictions that she has face difficulties in being licensed. I don't know that that's going to happen for her, even if she successfully completes the education program. It's not obvious to me that that's a path that is going to result in satisfaction for her.

We have dealt with the restitution issue, so I won't go there.

Unless the Court has questions for me, that is the Government's recommendation.

THE COURT: Thank you.

Mr. Cunha.

MR. CUNHA: I will agree with Ms. Holik that this is an extraordinarily difficult case, and I find in my now 35 years at the Bar it's been one of the more perplexing situations I've had.

You have a woman who is not just a sort of by rote churchgoer, but somebody who actively participates in her church, participates in the charitable works of her church, who, as I said earlier, despite sort of the security, if you will, of being on SSI, is attempting to do something with herself and with her life. I think those are all very positive things, and, to some extent, they are new things. But as far as I know, they are both new things with respect to her history.

Dr. Hardman, as it outlined, if you will, I think there is a lot of other materials before you that deal with the mental-health issues, with the background.

Without, I hope, not appearing to be glib, I am reminded a little bit of the Officer Krupke song from *West Side Story* about being depraved on account of being deprived.

Obviously, that circumstance is not one that our society forgives somebody for their conduct, but the question is what to do about it, and I don't see, Judge -- I can't tell you that it would be not a reasoned decision to send her to jail, clearly it would, given the fact that this is the fourth time she has been in Federal Court. What I'm suggesting is I think it will set her back, and I don't really think, frankly, that somebody is -- I know the notion of deterrence, but I don't think -- you know, what she did here was so, frankly, unthinking and foolish and stupid, and I don't use the word just because her husband used it with respect -- and I don't think it should be attributed to her, but anybody getting that letter, the first thing they would do is call the Probation Officer. But there was no thought. That's why this is frustrating.

I just don't think it's going to be of any benefit to society to address underlying issues and make sure that there isn't another time, and I suggest that if you feel that some confinement is necessary, that it makes more sense to consider home confinement, to consider allowing her to continue in her education, to continue with her religious activities.

In addition to the mental-health issues, she's got other physical ailments that are going to require -- she's got problems with her eyes; she's going to need laser surgery, I believe, on her eyes. She's got medical issues that are going to require her to be able to have access to medical care. I understand that the federal system has medical facilities. I'm not convinced that they are the same level that she would avail herself with on the outside.

What I am suggesting to you, Judge, is that she just not be sent to jail. I just don't think it's going to do anything for her, I don't think it's going to do anything for society. Again, if you feel that she needs restrictions, set the restrictions by the bracelet.

It does make sense for her to have supervised release. It makes sense for her as an aspect of supervised release to undergo continued mental-health consultation.

I don't know what else to say other than to say that what we have presented to you I think supports what I'm saying, not just Dr. Hardman's letter but the letter from her pastor, the fact that she's in the nursing program. I know it's a difficult decision, but I would suggest that that is the proper decision, is to not incarcerate her.

PROBATION OFFICER WALLS: Your Honor, may I add something?

THE COURT: Yes.

THE PROBATION OFFICER. I tried to say it earlier, but I couldn't get in.

The term of supervised release recommended by the *Guidelines* has changed since the Presentence Report was written. It was written in September 2011. Effective November 1st of 2011 the range is now 1 to 3 years rather than 2 to 3 years.

THE COURT: One to 3 years.

Let me ask one other question, Ms. Walls, of you. The offense conduct took place while she was still under supervision?

PROBATION OFFICER WALLS: No, your Honor. It took place -- I believe her supervision ended in September 2010, and this occurred in February 2011, when she sent the letter.

THE COURT: When she sent the letter.

PROBATION OFFICER WALLS: She opened the credit while she was on supervised release, but at the time she opened the credit there wasn't a condition prohibiting it, and so she had an administrative hearing -- a meeting with her supervising officer during which she signed a modification agreeing to add that condition, and as far as we know she did not obtain new credit after making that agreement.

THE COURT: Let me just be sure I am on board with this.

(Pause)

THE COURT: I see that here.

So, Ms. Littles, I will hear from you, if there is something you would like to say.

THE DEFENDANT: Your Honor, I just want to say --

THE COURT: Maybe Mr. Cunha can put the microphone in front of you so you can speak into it.

THE DEFENDANT: Your Honor, I just want to say that I am dealing with my issues right now. I do want to be -- I have acknowledged that I have done something wrong, that I've done wrong, and I am dealing with it, and I'm struggling.

I'm willing to work those things out. That's why, you know, I want to go to school to be a nurse so that I can be better in society, and having counsel with my pastor and also working in the community with the elderly and children and the homeless shelters. And I just want to say that I am working on being a better person for society.

And, I'm sorry, I don't mean to be teary. I don't mean to be teary.

That I am willing, I do want to be better to society. That's why I'm working so hard now trying to do that.

I just want to also say that I know what I have done was really unthinkable, and that I, too, acknowledge that I have done wrong, but I am doing better to be a better person in society.

THE COURT: All right. Thank you.

Well, there is, as everyone acknowledges, a great difficulty that is presented by this case. The issue of supervening change in Ms. Littles' life I think needs to be tested against the time periods in which she was engaged in the criminal activity here, including the preparation of the letter that was false and fraudulent. She began, according to the transcript that I have been provided, with her nursing program in the Spring Term of 2010, that is, before the letter was sent.

With respect to the involvement, deep involvement with the church, it is a little more difficult to get my hand on that, in part because Bishop Moultrie does not provide specific dates, except to say that she has been a long-term member of the church, again suggesting that this has been activity that has predated the crime that brings her here.

The question of imposition of a period of incarceration is the fundamental one for me in this setting, and I think that what I have decided to do is not to impose immediately a period of incarceration, in part with a view to seeing that Ms. Little lives up to what she said is her goal. This is with, I want to be clear in stating this, the sure understanding that if there is a violation of supervised release she will be back in here -- I guess I am going to treat it as probation because she has not been in custody -- that I am going to impose the Government's sentence, proposed sentence, which I think is reasonable under these circumstances.

So, let me step back and explain it in the larger context of Section 3553. We start with the nature and seriousness of the offense. It is a very serious offense, frankly. It is short money, that is for sure. It is personal aggrandizement, which has a thread throughout the prior violations and convictions, but it is serious in the sense that it is repetitive and it involves the invocation of the Court itself, as Ms. Holik properly argued. The use of Court stationery, the use of a purported signature of a Probation Officer is a corruption of the criminal justice system that, frankly, has made great efforts to try to support Ms. Littles. And so, I will not concede that it is a *de minimis* kind of offense, particularly in the context of recidivism and the method of execution.

I then look at the nature of the defendant. It is the case that defendant has had a very hard life in a variety of different ways, both in terms of abusiveness as she grew up and in terms of challenges, both physical and mental, that she faces. I credit the efforts that she has made to improve her lot, particularly when she has been able, as Mr. Cunha properly points out, to obtain Social Security Disability, and those improvement mean that ultimately, if successful, they are going to undermine the availability of that Social Security income.

I treat as compelling her efforts in the community through the church, which are important and a way, as Dr. Hardman pointed out, for someone who is in Ms. Littles' position to reflect on her own circumstances and try to make life better for others.

But I cannot disregard the repetitive return to fraudulent activity, of which the denial is just another form or variation, the unwillingness to see things as they are, to confront things as they are and always to, in these failures or denials, always to serve her self-interest. This is not simply someone who does not see the world as everybody else sees it; it is someone who sees the world in a way that serves her own purposes. So, I have that in mind.

I turn to the question of general deterrence. General deterrence is a real tangible consideration for me. I don't think that there are any particularly compelling standards that can be applied. There is no market for cap and trade criminal activity so we can understand what its value is and what its worth is so that if you face a year and a day in prison will that mean that you will not do it again, that others seeing that will not make you do it again or will not make themselves do it again.

It is far too fluid and speculative, except to say that there is something about the concept of general deterrence that is very, very important, that people should not get the idea that after a relatively long criminal record you can walk into a jewelry store and get whatever you want. That the jewelry store is prepared to give you credit for it is surprising to me, but, in any event, I am not going to blame the victim under these circumstances. They permit someone like Ms. Littles to do that and there should be a criminal sanction that is sufficient to at least deter others who might consider that kind of action. So, jail time is not unreasonable under these circumstances.

I turn, then, to the question of specific deterrence, and here I am perplexed beyond anything else. I do not know whether Ms. Littles is going to walk out of here and go down to Long's and get some more earrings. She had better not, but I have no real certainty because of the character of the past experience with her dealing with her problems.

Now, the sentence should be no greater than necessary to serve the larger purposes, but I do not know what is necessary to keep her from engaging in this kind of fraudulent activity, which, frankly, required a certain amount of, in this case, thought and consideration and sophistication.

So, what does it take to keep Ms. Littles from doing this again? I think a constraint that will involve the use of an ankle bracelet with one year of home confinement, is a way of dealing with that, and the potential of revocation of probation if she does not comply fully.

I then look to the question of unwarranted disparities among other sentences. Ms. Holik is correct that this level of case does not ordinarily find its way into the Federal Court, we do not see that much of it, but it does sometimes and particularly in this template, someone who continually engages in mail fraud for purposes of self-aggrandizement. And here I am concerned, because this is a jail case but for the other considerations.

So, I am not telling any of the attorneys anything they do not know. There is a mixed collection of issues that come together in the context of evaluation of the 3553 factors. My own view, in a larger sense, is that they are incommensurables; they do not compute in quite the same way, in any event, but it is made particularly dramatic in this case.

So, I go back to this: What am I going to do to ensure that she does not do it again, do what I can to ensure that she does not do it again, that it is understood that this is a serious matter? But something else. Is there something more we can do for Ms. Littles?

Quite a bit has been done, frankly, through the Probation Office here, as Ms. Holik properly said, and there is a kind of parable of *The Prodigal Daughter* that plays into this that makes one say we have invested a great deal in you, Ms. Littles, and you have not responded. But I am prepared to take one final step in this regard to see if we can reinforce the good things and protect you and the rest of society from the bad things that lurk like demons in the back of your mind.

So, for those reasons, I am going to place Ms. Littles on probation for a period of 3 years, which I believe is the maximum.

PROBATION OFFICER WALLS: Your Honor, the maximum term of probation is 5 years.

THE COURT: Would be 5. I am going to make it 5 years.

What this means is, if you get in trouble, you are back before me, and if you are back before me, I am going to remember that I took a chance and you defrauded me, too.

I am going to impose as a condition that the defendant be subject to a bracelet. To the degree that she can, she should pay for it. It will remain in place for one year. It amounts to home confinement. I will permit her on a schedule to be developed with the Probation Office to attend her health concerns, her religious concerns and her classes, if you have educational classes to pursue. And when I say "religious concerns," I mean including the opportunity to help the elderly or children or people who are disadvantaged under the supervision or aegis of the church itself.

I will impose, as I must, the obligation of paying the restitutionary figures. Just to recapitulate again, those restitutionary figures, amounts to be paid to the Clerk of the Court and distributed by the Clerk, are to Sterling Jewelers in the amount of $423.69, to MetaBank in the amount of $111.81, and the First Premier Bank in the amount of $641.64.

I will direct that the defendant be subject to a mental-health program to be developed by the Probation Office. I leave it to the Probation Office to develop in a more fine-grained manner than I would otherwise be able to do this mental-health program.

Now, part of the problem, at least as I read this, Ms. Littles, is you do not pay attention or you lose momentum. This is important for you, to go to your mental-health program and start to address the issues that confront you. Some of them are classifiable as bipolar and so on. Some of them are, as I have said earlier, demons that you have to live with, and mental-health programs are supposed to deal with those as well. In any event, the Probation Office will address that for you.

I will permit the probationary obligation of restitution to be paid on an installment payment as developed for my approval by the Probation Office, but so long as there is outstanding an obligation, financial obligation, the defendant is obligated to provide the Probation Office with access to any requested financial information. You must understand that that information can be provided to the Financial Litigation Unit of the United States Attorney's Office. You may not enter into any credit arrangements during the period that you are on probation, additional ones, without the express approval of the Probation Office. That is a matter that is going to be subject to limitation under these circumstances.

I am going to impose a drug treatment testing obligation here, and I will permit the Probation Office to have as many as 104 drug tests per year, not that that is going to be required, but to provide a prophylactic measure to deal with any potential issues that may arise with respect to drugs. The defendant is obligated not to commit another federal, state or local crime in addition to the standard conditions and mandatory conditions of supervised release. She must submit to the collection of a DNA sample as directed by the Probation Officer. She is prohibited from possessing a firearm or other dangerous weapon

I believe those are the conditions that I need to include here.

Of course you are obligated to pay the Special Assessment of $100.

If you do not understand it by now, let me tell you. A lot of people have spent a lot of time on your case, the United States Attorney's Office, your counsel, the Probation Office, and they have helped me to understand a little bit better what is involved here.

There is nobody here who wants to see you in jail as a general proposition. On the other hand, you seem to have in the past shown a kind of lemming-like desire to go to jail yourself by doing these stupid things. They are low grade in some ways, take a big trip with your family, buy yourself some sapphire earrings. It is not worth it to engage in this kind of activity.

I have tried to fashion, as best I can, a mechanism to support you and give us all some sense that we have some control over your activities. This is not, however, a false promise to you. If you come back here again you will go to jail, and you will go to jail for the period of time, at a minimum, that the Government has asked for.

We want to make it possible for you to work it out by yourself with the support of everyone and the Probation Office, but if you choose not to, that is your choice, and that choice comes with consequences, and I have outlined for you what they are going to be.

This is a very long period of time of probation. I thought I only had 3 years; Ms. Walls reminded me that I had 5. So, we have a long time of thinking about this, you and I. While I do not mean to be inhospitable, I really do not want to see you again; I want you to be working at getting your life together and doing the things that you should do.

Now, are there any other conditions that we need to take up at this point that the parties would ask me to?

(Atty. Cunha conferring with defendant off the record)

THE COURT: You should understand, Ms. Littles, that you do have a right of appeal. You will want to discuss with your counsel whether that makes any sense.

After giving you a little bit of a scolding in the sense of what could happen if things do not work out, it is my hope that it is going to work out; my hope and, frankly, my expectation it is going to work out. So, good luck.

THE DEFENDANT: Thank you.

THE COURT: We will be in recess.

MR. CUNHA: Judge, could I just, very quickly, with respect to the Social Security Administration report, there are two ways to deal with this. One would be to file it under seal; the other would be to provide it to the Probation Department.

THE COURT: Because it was not part of the Probation Office's Presentence Report --

MR. CUNHA: I don't believe so.

THE COURT: -- then I want it filed because it was a matter that I considered in connection with this. So, it will be filed under seal.

MR. CUNHA: I will submit it.

THE COURT: And with respect to Dr. Hardman's report, that will be sealed at this point.

MR. CUNHA: Thank you, your Honor.

THE CLERK: All rise.

(The Honorable Court exited the courtroom at 5:10 p.m.)

(WHEREUPON, the proceedings adjourned at 5:10 p.m.)

C E R T I F I C A T E

I, Brenda K. Hancock, RMR, CRR and Official Reporter of the United States District Court, do hereby certify that the foregoing transcript constitutes, to the best of my skill and ability, a true and accurate transcription of my stenotype notes taken in the matter of *United States v. Casandra Littles*, No. 1:11-c-10183-DPW-1.

Date: February 14, 2012 /s/ *Brenda K. Hancock*
Brenda K. Hancock, RMR, CRR
Official Court Reporter